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Attorneys for Plaintiffs, Operating Engineers'
Health And Welfare Trust Fund for Northern California, et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA; RUSSELL E. BURNS and JAMES
E. MURRAY, Trustees;

PENSION TRUST FUND FOR OPERATING
ENGINEERS; RUSSELL E. BURNS and JAMES E.
MURRAY, Trustees;

PENSIONED OPERATING ENGINEERS'
HEALTH AND WELFARE TRUST FUND;
RUSSELL E. BURNS and JAMES E. MURRAY,
Trustees;

OPERATING ENGINEERS AND PARTICIPATING
EMPLOYERS PRE-APPRENTICE, APPRENTICE
AND JOURNEYMEN AFFIRMATIVE ACTION
TRAINING FUND; RUSSELL E. BURNS and
JAMES E. MURRAY, Trustees;

OPERATING ENGINEERS LOCAL UNION NO. 3
VACATION, HOLIDAY AND SICK PAY TRUST
FUND; RUSSELL E. BURNS and JAMES E.
MURRAY, Trustees;

HEAVY AND HIGHWAY COMMITTEE; and
OPERATING ENGINEERS LOCAL 3 OF THE

Case No. 4:19-cv-00669-KAW

**PLAINTIFFS' REQUEST TO
CONTINUE CASE
MANAGEMENT CONFERENCE;
ORDER THEREON**

Date: January 28, 2020
Time: 1:30 PM
Location: Oakland Courthouse
1301 Clay Street
Oakland, CA 94612

INTERNATIONAL UNION OF OPERATING
ENGINEERS, AFL-CIO,

Plaintiffs

v.

MISSION CONSTRUCTORS, INC., a California
Corporation; ISABELLE AQUINE CONCIO, an
individual; and JAIME MACIEL GONZALEZ, an
individual,

Defendants.

Plaintiffs herein respectfully submit their request that the Case Management Conference, currently on calendar for January 28, 2020, be continued for approximately thirty (30) days. Good cause exists for the granting of the continuance, as follows:

1. As the Court's records will reflect, this action was filed on February 6, 2019 [Dkt. #1].
2. Defendants were personally served with the Summons and Complaint on March 13, 2019, and Proofs of Service were filed with the Court on March 20, 2019 [Dkt. #'s 10-12].
3. Defendants submitted a payment for a portion of the amounts owed to Plaintiffs. Defendants also submitted a request for a settlement of the remaining amounts owed to Plaintiffs.
4. Defendants' settlement request was presented to the Plaintiff Board of Trustees at their meeting for consideration. The Plaintiff Board of Trustees conditionally granted Defendants' request. The Board of Trustees' decision has been relayed to Defendants' Counsel.
5. Plaintiffs anticipate that this matter will be resolved by the filing of a Request for Conditional Dismissal on or before January 28, 2020 (the date currently set for the case management conference).
6. Accordingly, Plaintiffs respectfully request that the Case Management Conference, currently scheduled for January 28, 2020, be continued for thirty (30) days to allow for Defendants' Counsel to respond to the Board of Trustees' decision. As stated above, Plaintiffs anticipate that the matter will be ultimately resolved by the filing of a Request for Conditional Dismissal, with the

1 conditional dismissal becoming a dismissal with prejudice after 12 (twelve) months.

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3 7. There are no issues that need to be addressed by the Parties at the currently scheduled
4 Case Management Conference. In the interest of conserving costs as well as the Court's time and
5 resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case
6 Management Conference.

7 Executed this 22nd day of January 2020, at Alameda, California.

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9 SALTZMAN & JOHNSON LAW CORPORATION

10 By: /S/
11 Matthew P. Minser
12 Attorneys for Operating Engineers' Health And
Welfare Trust Fund, et al.

13 IT IS SO ORDERED.

14 The currently set Case Management Conference is hereby continued to
15 March 10, 2020 at 1:30 pm, and all previously set deadlines and dates
16 related to this case are continued accordingly.

17 DATED: Jan. 23, 2020

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19
20 Honorable Kandis A. Westmore
UNITED STATES MAGISTRATE JUDGE